

EXHIBIT “B”
(2 pages)

From: Ehrich, Delmar R. [mailto:DEhrich@faegre.com]
Sent: Friday, June 05, 2009 12:39 PM
To: Ehrich, Delmar R.; 'dpage@riggsabney.com'; 'DRiggs@riggsabney.com'; 'lbullock@bullock-blakemore.com'; 'RGarren@riggsabney.com'
Cc: 'jjorgensen@sidley.com'; 'robert.george@tyson.com'; 'gtodd@sidley.com'; 'smcdaniel@mhla-law.com'; James Graves; Woody Bassett; 'jelrod@cwlaw.com'; 'rsanders@youngwilliams.com'; Jones, Bruce; Kleibacker Lee, Krisann C.; 'thill@rhodesokla.com'; 'jtucker@rhodesokla.com'; Collins, Melissa C.
Subject: RE:

David, I have not yet heard from you. I would appreciate your confirming that plaintiff will produce the requested considered materials no later than June 8 or articulating why the state refuses to do so.

Thank you.

From: Ehrich, Delmar R.
Sent: Thursday, June 04, 2009 22:37
To: 'dpage@riggsabney.com'; 'DRiggs@riggsabney.com'; 'lbullock@bullock-blakemore.com'; 'RGarren@riggsabney.com'
Cc: 'jjorgensen@sidley.com'; 'robert.george@tyson.com'; 'gtodd@sidley.com'; 'smcdaniel@mhla-law.com'; 'jgraves@bassettlawfirm.com'; 'wbassett@bassettlawfirm.com'; 'jelrod@cwlaw.com'; 'rsanders@youngwilliams.com'; Jones, Bruce; Kleibacker Lee, Krisann C.; 'thill@rhodesokla.com'; 'jtucker@rhodesokla.com'; Collins, Melissa C.
Subject: Re:

Well, David, plaintiff asks the Court to accept the opinions of these former consultants and the new analyses and opinions of Harwood and Olsen that Drs. Olsen and Harwood pass the Daubert test and defense experts Cowan, Johnson, Murphy and Davis do not. So they amount to testifying experts for which discovery is required under Rule 26. This is particularly true of the former consultants--Lofis and Chappell clearly did work for Olsen. (Or does the state urge the Court to adopt rules for former consultants that apply only to defendants?). Please confirm the materials I requested will be produced no later than June 8.

From: David Page <dpage@riggsabney.com>
To: Ehrich, Delmar R.; David Riggs <DRiggs@riggsabney.com>; Louis Bullock <lbullock@bullock-blakemore.com>; Richard Garren <RGarren@riggsabney.com>
Cc: Jorgensen, Jay T. <jjorgensen@sidley.com>; robert.george@tyson.com <robert.george@tyson.com>; Todd, Gordon D. <gtodd@sidley.com>; Scott McDaniel <smcdaniel@mhla-law.com>; Graves, James M. <jgraves@bassettlawfirm.com>; Woody Bassett <wbassett@bassettlawfirm.com>; Elrod, John R. <jelrod@cwlaw.com>; Robert Sanders <rsanders@youngwilliams.com>; Jones, Bruce; Kleibacker Lee, Krisann C.; thill@rhodesokla.com <thill@rhodesokla.com>; jtucker@rhodesokla.com <jtucker@rhodesokla.com>; Collins, Melissa C.
Sent: Thu Jun 04 19:41:14 2009
Subject: RE:
please provide me the legal basis for your request.

David P. Page
Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc.
502 W. 6th Street
Tulsa, OK 74119-1010
918-587-3161
918-583-1549 (fax)
dpage@riggsabney.com

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From: Ehrich, Delmar R. [mailto:DEhrich@faegre.com]
Sent: Thursday, June 04, 2009 7:07 PM
To: David Page; David Riggs; 'Louis Bullock'; Richard Garren
Cc: 'Jorgensen, Jay T.'; robert.george@tyson.com; Todd, Gordon D.; Scott McDaniel; Graves, James M.; Woody Bassett; Elrod, John R.; 'Robert Sanders'; Jones, Bruce; Kleibacker Lee, Krisann C.; thill@rhodesokla.com; jtucker@rhodesokla.com; Collins, Melissa C.
Subject:

Counsel, in my earlier email, I neglected to request the materials Dr. Chappell considered in preparing his affidavit in support of plaintiff's motion to exclude the testimony of Dr. Cowan. I ask that you provide that material to the defendants by Monday, June 8.

Del Ehrich